IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA

MACON COUNTY INVESTMENTS, INC.; REACH ONE, TEACH ONE OF AMERICA, INC.,	)	
PLAINTIFFS,	)	
v.	)	**CIVIL ACTION NO.: 3:06-cv-224-WKW**
SHERIFF DAVID WARREN, in his official capacity as the SHERIFF OF MACON COUNTY, ALABAMA,	)	
DEFENDANT.	)	

SHERIFF DAVID WARREN'S MOTION TO EXTEND DATES FOR FILING WITNESS LIST, DEPOSITION DESIGNATIONS AND EXHIBIT LISTS

COMES NOW Defendant Sheriff David Warren ("Sheriff Warren"), who has been sued in his official capacity as Sheriff of Macon County, Alabama, and requests that this Honorable Court extend the date by which he must file a witness list, deposition designations and exhibit lists set forth at paragraphs 9, 10 and 11 respectively in the Court's Scheduling Order of March 8, 2007 (Doc. No. 50). As grounds therefore and in support thereof, defendant states the following:

1. The instant action was filed on March 9, 2006.

2. A deadline for filing dispositive motions of June 1, 2007, having been set, the parties filed motions for summary judgment, specifically, the defendant, on May 31, 2007 (Doc. No. 59) along with memorandum brief in support of the same (Doc. No. 60) and the plaintiffs (Doc. No. 61), accompanied by a memorandum brief (Doc. No. 62). The motions are pending.

3. Additionally, defendant's motion to compel discovery (Doc. No. 34), filed on

May 16, 2007, is pending. Pursuant to the Court's Show Cause Order of May 17, 2007(Doc. No. 58), Plaintiffs filed a response to the motion to compel (Doc. No. 63) on June 1, 2007. Defendant Warren's motion references numerous documents, many of which Plaintiff Macon County Investments' corporate representative, Frank Thomas, testified to the existence of under oath. The documents, once produced, are likely to be used as exhibits at the trial of this case. Examination of the documents is essential to defendant's preparation for trial, should defendant's motion for summary judgment not be granted in full. Additionally, defendant believes that the documents could also lead to other discoverable and relevant information.

4. This extension is sought as the circumstances herein presented are both extraordinary and unforeseeable.

WHEREFORE, PREMISES CONSIDERED, defendant requests an extension of the deadline for filing his witness list, deposition designations and exhibit list and.

Dated this 14th day of September, 2007.

Respectfully submitted,

/s/Fred D. Gray, Jr.
One of the Attorneys for Defendant,
David Warren, Sheriff of Macon County,
Alabama

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CERTIFICATE OF SERVICE

I hereby certify that on September 14, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Kenneth L. Thomas, Esq.
Ramadanah M. Salaam, Esq.
Christopher K. Whitehead, Esq.
Gary A. Grasso, Esq.
Adam R. Bowers, Esq.

I further certify that I have sent via United States Postal Service the document to the following non-CM/ECF participants:

None.

s/Fred D. Gray, Jr.
OF COUNSEL